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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/648,656 | 08/25/2000 | Thomas T. Buzzell | 99-722 | 6372 |

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 01/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,656

Applicant(s)

BUZZELL ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- (A) Claims 1-28 disclose an e-commerce based method for requesting information and purchasing products from a dealer through a manufacturer, wherein consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links, classified in 705/26.
- (B) Claims 29-32 disclose an e-commerce based method for providing a systemization of machine parts to a consumer, said method comprising selecting a system of machine parts from at least two available systems, classified in 705/26.

Inventions (B) and (A) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention as defined by Group (B) has separate utility as defined by Group (A). For example, Group (B) claims an e-commerce based method for providing a systemization of machine parts to a consumer. See MPEP § 806.05(d). The limitations claimed in Group (B) are not linked or related to those limitations disclosed in Group (A).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Claims 29-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No.7.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1, 4, 8, 11, 15, 18, 22, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson U.S. Patent No. 6,167,383.

Referring to claim 1. Henson discloses an e-commerce based method for requesting information and purchasing products from a dealer through a manufacturer (at least Fig. 3C, "Buy Online or Call 1-800-WWW-DELL), the method comprising:

- Sending a request for detailed dealer information to a manufacturer server system using a client system (at least Fig. 4, Fig. 5, and Fig. 6);
- Displaying real-time detailed dealer information on said client system based on said request (at least claim 1, "A warning indicator for...");
- Receiving said real-time detailed dealer information from said manufacturer server system (at least claim 1, "A warning indicator for..."); and
- Accessing said real-time detailed dealer information with said manufacturer server system from a remote dealer server system via a middleware application system (at least Fig. 1, Fig. 2, and Fig. 3).

Referring to claim 4. Henson further discloses a method wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (at least column 14, line 62 to column 16, line 5).

Referring to claim 8. Henson discloses an e-commerce based system for requesting information and purchasing products from a dealer through a manufacturer, the system comprising:

- A client system (at least Fig. 1, Fig. 2, and Fig. 3);

- A manufacturer server system in communication with said client system, said manufacturer server system having a middleware application system (at least Fig. 1, Fig. 2, and Fig. 3); and
- A remote dealer server system in communication with said middleware application system to provide real-time detailed dealer information to said manufacturer server system via said middleware application system with said manufacturer server system able to send said real-time detailed dealer information to said client system for displaying (at least claim 1, "A warning indicator for...").

Referring to claim 11. Henson further discloses a system wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (at least column 14, line 62 to column 16, line 5).

Referring to claim 15. Henson disclose an e-commerce based method for requesting information and purchasing products from a dealer through a manufacturer, the method comprising:

- Creating an item list using a client system (at least Fig. 6);
- Sending said item list to a manufacturer server system (at least Fig. 6);
- Displaying real-time detailed dealer information on said client system based on said item list (at least claim 1, "A warning indicator for..."); and
- Receiving said real-time detailed dealer information from said manufacturer server system; and accessing said real-time detailed dealer information with said

manufacturer server system from a remote dealer server system via a middleware application system (at least claim 1, "A warning indicator for...").

Referring to claim 18. Henson further discloses a method wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (at least column 14, line 62 to column 16, line 5).

Referring to claim 22. Henson discloses an e-commerce based system for requesting information and purchasing products from a dealer through a manufacturer, the system comprising:

- A client system for creating an item list (at least Fig. 6);
- A manufacturer server system for receiving said item list (at least Fig. 6); and
- A remote dealer server system for sending real-time detailed dealer information to said manufacturer server system via a middleware application system based on said item list received from said manufacture server system via said middleware application system and said manufacturer server system for sending said real-time detailed dealer information to said client system for displaying (at least claim 1, "A warning indicator for...").

Referring to claim 25. Henson further discloses a system wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (at least column 14, line 62 to column 16, line 5).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 9-10, 16-17, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson U.S. Patent No. 6,167,383, in view of Long et al. U.S. Patent No. 5,117,354.

Referring to claims 2-3, 9-10, 16-17, and 23-24. Henson discloses a method and system according to claims 1, 8, 15, and 22 as indicated supra. Henson does not expressly disclose:

- Sending a quote number from said remote dealer server system with said detailed dealer information for identifying said request.
- Sending said quote number to said manufacturer server system;
- Sending said quote number with said manufacturer server system to said remote dealer server system via said middleware application system;
- Completing said purchasing with said remote dealer server system;
- Sending a confirmation number to said manufacturer server system; and
- Sending said confirmation number with said manufacturer server system to said client system.

Long et al. discloses a method and system comprising:

- Sending a quote number from said remote dealer server system with said detailed dealer information for identifying said request (at least Fig. 2B).

- Sending said quote number to said manufacturer server system (at least Fig. 2B);
- Sending said quote number with said manufacturer server system to said remote dealer server system via said middleware application system (at least Fig. 1);
- Completing said purchasing with said remote dealer server system (at least Abstract);
- Sending a confirmation number to said manufacturer server system (at least column 10, lines 20-37); and
- Sending said confirmation number with said manufacturer server system to said client system (at least column 10, lines 20-37).

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system and method of Henson to include the limitations of Long et al. as discussed above in order to eliminate problems that existed in the previous generation of online stores including a lack of responsiveness to customer requests, incompleteness of information delivery, and a poor online store buying experience (Henson: at least column 2, lines 48-58).

Claims 5-7, 12-14, 19-21, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson U.S. Patent No. 6,167,383, in view of “Web Gateway Sites Keep Growing.”

Referring to claims 5-7, 12-14, 19-21, and 26-28. Henson discloses a method and system according to claims 1, 8, 15, and 22 as indicated supra. Henson does not expressly disclose:

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- Displaying consumer personalized data received from said manufacturer server system on said client system;
- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links; and
- Wherein said news is selected from the group consisting of local, national, international and industrial.

“Web” discloses:

- Displaying consumer personalized data received from said manufacturer server system on said client system (at least paragraph 13);
- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links (at least paragraph 14); and

Wherein said news is selected from the group consisting of local, national, international and industrial (at least paragraph 13-16).

At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system and method of Henson to include the limitations of “Web” as discussed above in order to eliminate problems that existed in the previous generation of online stores including a lack of responsiveness to customer requests, incompleteness of information delivery, and a poor online store buying experience (Henson: at least column 2, lines 48-58).

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hill, U.S. Patent No. 6,029,142; February 22, 2000; discloses an electronic catalog system and method.

Wolfe et al., U.S. Patent No. 6,282,517; August 28, 2001; discloses a real time communication of purchase requests.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



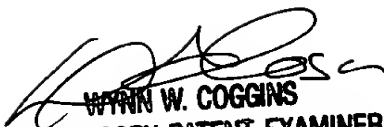
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